

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE DR.JUSTICE G.YETHIRAJULU

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WRIT APPEAL NO.437 OF 2000.

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Between

P.Krishnappa, son of P.Jayaramaiah,

55 yrs, r/o 17/91-4-4, Rajivnagar,

Madanapalli, Chittoor district.

....Appellant

And

1.The Member, Secretary, A.P. State

Electricity Board presently A.P.

GENCO/TRANSCO, Vidynutsoudha

Buildings, Somajiguda, Hyderabad and

3 others.

....Respondents

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JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellant who was the writ petitioner seeks to assail the order dismissing the writ petition as against the orders passed dismissing him from service which have been confirmed in appeal and also in further revision in the departmental side.

In pursuance of the disciplinary enquiry initiated against him, three charges were framed which includes charge for non remission of amount. The Enquiry Officer ultimately found fault with the petitioner and the petitioner was dismissed from service. Further appeal filed by the petitioner also has been negatived. Hence the writ petition.

Though several contentions have been urged before the learned single Judge giving explanation, however the same was not found in favour of the petitioner especially in view of the reason that this Court would not go into the said finding of fact arrived at during the enquiry. Accordingly, the learned single Judge, converted the punishment of dismissal that of removal. Hence the appeal.

The learned counsel for the appellant submits that having regard to the long service put in by the appellant before his retirement on attaining superannuation, such serious punishment is not warranted.

Having considered the submissions made and on perusal of record especially in view of the finding of fact arrived at by the Enquiry Officer in respect of various allegations and as confirmed by the learned single Judge, we do not find any merits in the appeal warranting interference by this Court.

It is represented by the learned counsel for the appellant that during pendency of this appeal, as per the interim direction given by this Court, the amount has already been paid towards gratuity.

In the above circumstances, the writ appeal is dismissed. However, it shall be open for the appellant to make any proper application before the respondents for any compassionate consideration. No costs.

B.PRAKASH RAO, J

G.YETHIRAJULU, J

Dated: 06-09-2005

Hsd